

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

11020 Sun Center Drive #200, Rancho Cordova, CA 95670

NOTICE OF PUBLIC HEARING
Concerning

TENTATIVE ORDER AMENDING
TIME SCHEDULE ORDER R5-2019-1005
National Pollutant Discharge Elimination System (NPDES) NUMBER
CAS000004
FOR
COUNTY OF LAKE
CITY OF CLEARLAKE
CITY OF LAKEPORT
MUNICIPAL SEPARATE STORM SEWER SYSTEMS

County of Lake, City of Clearlake, and City of Lakeport (collectively, Permittees) own and operate their own respective municipal separate storm sewer systems (MS4) located within the urban areas of their jurisdictions. Storm water discharges from the Permittees' MS4s are currently regulated by National Pollutant Discharge Elimination System (NPDES) General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems, Order No. 2013-0001-DWQ (Small MS4 General Permit), as amended. Due to several wildfires and flooding events over the last few years, staff turnover, and the absence of financial stability for their MS4 Programs, the Permittees have been unable to implement appropriate monitoring efforts to evaluate the current storm water program and infrastructure to determine if their wasteload allocation (WLA) established under the total maximum daily load for nutrients in Clear Lake has been met. On 12 December 2019, the Executive Officer issued a Time Schedule Order to allow the Permittees time to evaluate if the waste load allocations has been met. The Permittees have completed Tasks #1 and #2. On 8 July 2020, the Permittees requested to extend the deadline to submit Task #3 – Best Management Practice Effectiveness Assessment Report. This extension will enable the Permittees time to execute a contract with EOA Inc. (EOA), who will create a best management practice (BMP) calculator to provide an estimate of the Permittees' load allocation reduction. The contract and calculator will help to identify areas that need additional BMPs installed to achieve compliance with the Clear Lake Nutrient TMDL.

Persons wishing to comment on this proposed amendment of Time Schedule Order R5-2019-1005 shall submit testimony, evidence, if any, and/or comments in writing to the Central Valley Regional Water Quality Control Board (Central Valley Water Board), or via email to RB5S-NPDES-Comments@Waterboards.ca.gov no later than **5:00 p.m.** on **5 November 2020**. Written materials or comments, including emails, submitted after **5:00 p.m.** on **5 November 2020** will not be accepted and will not be incorporated into the administrative record absent a ruling by the Chair. Any party requesting to submit late materials must demonstrate good cause for the late submission, and the Chair must find that accepting the late submission will not prejudice the Central Valley Water Board or any Designated Party.

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Any member of the public may request an oral hearing before the Executive Officer. If no oral hearing is requested, the public comment period, and the Executive Officer's review of the administrative record, including any written comments, shall constitute the public hearing. (See Water Code section 13385, subdivision (j)(3)(C)(ii)(II).) Based on comments received, the Executive Officer may decide to hold an oral hearing, or the matter will be considered at the Central Valley Water Board meeting scheduled for:

DATE: **10/11 December 2020**
TIME: 8:30 a.m.
PLACE: Central Valley Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

If this matter is considered at a public hearing, the designated parties are as follows:

- County of Lake representatives
- City of Clearlake representatives
- City of Lakeport representatives

Only designated parties will have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. All other persons wishing to testify or provide comments are interested persons and not designated parties. Such interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Central Valley Water Board no later than **5:00 p.m. on 5 November 2020**. The request must explain the basis for status as a designated party and in particular how the person is directly affected by the discharge.

All designated parties and interested persons may speak at the Central Valley Water Board meeting and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair or Executive Officer.

Anyone having questions regarding the proposed amending order should contact Elizabeth Lee at (916) 464-4787 or Elizabeth.Lee@waterboards.ca.gov. Interested parties may download the proposed amending order and related documents from the [Central Valley Water Board's Tentative Orders website](http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/) at (http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/). Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office at 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114 weekdays between 8:00 a.m. and 5:00 p.m. **If a public hearing for this TSO is held at the 10/11 December 2020 Central Valley Water Board, the final meeting agenda will be available on the [Central Valley Regional Board's Meeting Calendar](http://www.waterboards.ca.gov/centralvalley/board_info/meetings/) at (http://www.waterboards.ca.gov/centralvalley/board_info/meetings/) at least 10 days before the meeting. The agenda will provide the specific date the Board Meeting will be held for this item, indicate the anticipated order of all agenda items, and may include staff revisions to the proposed order(s).**

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The [procedures governing Central Valley Water Board meetings](http://www.waterboards.ca.gov/laws_regulations/) (http://www.waterboards.ca.gov/laws_regulations/) may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request. Hearings before the Central Valley Water Board are not conducted pursuant to Government Code section 11500 et seq. [Information regarding meeting and hearing procedures](#) is also available on the Central Valley Water Board's website (http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml) or by contacting any one of the Central Valley Water Board's offices. Questions regarding such procedures should be sent to agenda5@waterboards.ca.gov or call (916) 464-3291.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to send an a-mail to agenda5@waterboards.ca.gov or call (916) 464-3291 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

Original signed by

ADAM LAPUTZ, Assistant Executive Officer

6 October 2020

Date